



**THE STATE OF UTAH**  
**OFFICE OF STATE ENGINEER**  
**SALT LAKE CITY**

**T. H. HUMPHERYS**  
STATE ENGINEER

July 15, 1940

REL: SAND WASH DISTRIBUTION

Memorandum for Office Study Only - by A. G. BURTON

Robert Marchant, Water Commissioner on Sand wash, Duchesne county, called my attention to a disagreement between the abstract of water rights of Sand wash as furnished him and an abstract that is in the possession of the Sand Wash Irrigation Company. He also called my attention to the decree of Sand wash and stated that the decree also disagrees with the abstract that was furnished him. This disagreement pertains to the quantity of water to which the Case-Cannon right would be entitled. The Sand Wash decree and the "findings of fact and conclusions of law" in the case of Sand Wash Irrigation Company v. Ira B. Cannon et al. have since been received by this office. In both of these instruments Case and Cannon were awarded 1-1/8 sec. ft. of water; however, I find that the Case-Cannon Application No. 7859, was green-inked at the time the Certificate was issued so that the quantity of water appropriated reads "1 sec. ft.", and the area irrigated "67.26 acres." The written proof in this case is in agreement with the Application as is also Certificate No. 1678 issued to Ira B. Cannon and Fred Case.

I find that there have been three abstracts issued - copies of which appear in Abstract Book No. 1 - the first of which bears the date "8/24/32," shows no evidence of being certified and lists the Cannon right as 1-1/8 sec. ft. for 81.16 acres; a copy of an abstract bearing the date of March 12, 1935, and showing evidence of certification, was issued for the same quantity of water with the same acreage; a later copy of an abstract with the date not given, also bearing evidence of certification, indicates the Case-Cannon right as 1-1/8 sec. ft. for 81.16 acres of land which, since its issue, has a penciled line drawn through the "1/8" in the quantity, a line drawn through "81.16" and "67.26" inserted in pencil. It is quite evident that the decree of Sand wash was based on one of these erroneous abstracts.

✓  
AGB/fm/9